

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application)	<u>PATENT APPLICATION</u>
)	
Inventor(s): Yuqiao Shen)	
Julie Nye)	
Terry Hermiston)	
)	
SC/Serial No.: 09/918,696)	
)	
Filed: July 30, 2001)	
)	
Title: Adenovirus E1B-55K Single)	
Amino Acid Mutants and)	
Methods of Use)	
)	

DECLARATION FOR PATENT APPLICATION
AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ADENOVIRUS E1B-55K SINGLE AMINO ACID MUTANTS
AND METHODS OF USE

the specification of which (check applicable ones):

☐ is filed herewith;

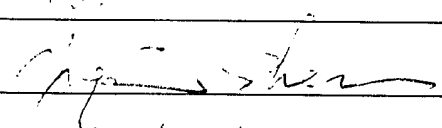
☒ Claims priority to U.S. Provisional Application No. 60/222,887,
filed on August 3, 2000.

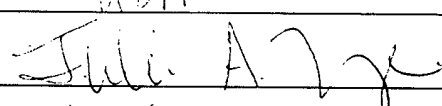
☒ was filed with the above-identified "Filed" date and "SC/Serial No."

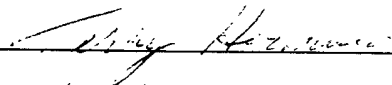
I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the examination of the application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint Gregory Giotta, Reg. No. 32,028 and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

- (1) Full name of sole
or first inventor: Yuqiao Shen
- (1) Residence: 3400 Richmond Parkway, Apt. 2317, Richmond, CA 94806
- (1) Citizenship: USA
- (1) Inventor(s) signature: 
- (1) Date: 1/17/02

- (2) Full name of second
joint inventor: Julie Nye
- (2) Residence: 954 San Benito Rd., Berkeley, CA 94707
- (2) Citizenship: USA
- (2) Inventor(s) signature: 
- (2) Date: 1/23/02

- (2) Full name of third
joint inventor: Terry Hermiston
- (2) Residence: 9 Seamast Passage, Corte Madera, CA 94925
- (2) Citizenship: USA
- (2) Inventor(s) signature: 
- (2) Date: 12/12/01



UNITED STATES
PATENT AND
TRADEMARK OFFICE

1047 ORD

APRIL 19, 2002

PTAS

Chief Financial Officer and Chief Administrative Officer
Washington, DC 20231
www.uspto.gov

ONYX PHARMACEUTICALS, INC.
GREGORY GIOTTA
3031 RESEARCH DRIVE BLDG A
RICHMOND, CA 94806



101994391A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 02/11/2002

REEL/FRAME: 012602/0482
NUMBER OF PAGES: 9

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
SHEN, YUQIAO

DOC DATE: 01/17/2002

ASSIGNOR:
NYE, JULLE

DOC DATE: 01/23/2002

ASSIGNOR:
HERMISTON, TERRY

DOC DATE: 12/17/2001

ASSIGNEE:
ONYX PHARMACEUTICALS, INC.
3031 RESEARCH DRIVE
RICHMOND, CALIFORNIA 94806

SERIAL NUMBER: 60222887
PATENT NUMBER:

FILING DATE: 08/03/2000
ISSUE DATE:



SERIAL NUMBER: 09918696
PATENT NUMBER:

FILING DATE: 07/30/2001
ISSUE DATE:

012602/0482 PAGE 2

LAZENA MARTIN, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

02-27-2002

Form PTO-1595 (Rev. 03/01)		REI			U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office	
OMB No. 0651-0027 (exp. 5/31/2002)		101994391				
To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.						
1. Name of conveying party(ies): Yuqiao Shen, Julie Nye, Terry Hermiston			2. Name and address of receiving party(ies) Name: ONYX PHARMACEUTICALS, INC. Internal Address: _____ Street Address: 3031 Research Drive City: Richmond State: CA Zip: 94806			
Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____			Execution Date: 1/17/2002 1/23/2002 12/17/2001			
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: _____ A. Patent Application No.(s) (1) 60/222,887 (2) 09/918,696 B. Patent No.(s) _____ Additional numbers attached? <input type="checkbox"/> Yes <input type="checkbox"/> No						
5. Name and address of party to whom correspondence concerning document should be mailed: Name: GREGORY GIOTTA, J.D., Ph.D. Internal Address: LEGAL DEPARTMENT ONYX PHARMACEUTICALS, INC. Street Address: 3031 Research Drive Bldg A City: Richmond State: CA Zip: 94806			6. Total number of applications and patents involved: <input type="checkbox"/> 7. Total fee (37 CFR 3.41).....\$ 80. <input type="checkbox"/> Enclosed <input checked="" type="checkbox"/> Authorized to be charged to deposit account 8. Deposit account Number certify that this correspondence is being transmitted via <u>fascimile</u> to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, on this <u>27th</u> day of <u>February</u> , 2002 By <u>Helena B. Korman</u>			
DO NOT USE THIS SPACE						
9. Signature. GREGORY GIOTTA, J.D., Ph.D. Name of Person Signing  February 4, 2002 Date Total number of pages including cover sheet, attachments, and documents: 12						

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

JOINT TO CORPORATE ASSIGNMENT

WHEREAS, the undersigned,

(1) Yugiao Shen

(2) Julie Nye

(3) Terry Hermiston

(hereinafter termed "Inventors"), residents of

(1) 3400 Richmond Parkway, #2317

(2) 954 San Benito Rd.

(3) 9 Scamast Passage

respectively, Cities of

(1) Richmond

(2) Berkeley

(3) Corte Madera

respectively, Counties of

(1) Contra Costa

(2) Alameda

(3) Marin

respectively, States of

(1) California (94806)

(2) California (94707)

(3) California (94925)

respectively, have invented certain new and useful improvements in:

**ADENOVIRUS E1B-55K SINGLE AMINO ACID MUTANTS
AND POWER OF ATTORNEY**

and have executed a declaration or oath for an application for a United States patent disclosing and identifying the invention:

1. [X] On the

(1) 17 day of 1, 2001; (2) 23 day of 1, 2001

(3) 12 day of 12, 2001;

respectively;

Or

2. [X] Said application having SC/Serial Number 09/918,696 and filed on the 30th day of July, 2001, claiming priority to Provisional Application No. 60/222,887, filed on August 3, 2000.

WHEREAS ONYX Pharmaceuticals, Inc. (hereinafter termed "Assignee"), a corporation of the State of Delaware, having a place of business at 3031 Research Drive, Richmond, California 94806, wishes to acquire the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered jointly or severally by said inventors (all collectively hereinafter termed "said invention"), and in and to any and all patents, certificates of invention and other forms of protection thereon (hereinafter termed "patents") applied for or granted in the United States and/or other countries.

NOW THEREFORE, for good and valuable consideration acknowledged by each of said inventors to have been received in full from said Assignee:

1. Said Inventors do hereby sell, assign, transfer and convey to said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply in any or all countries of the world for patents, certificates of inventions or other governmental grants on said invention, including the right to apply for patents pursuant to the International Convention for the Protection of Industrial Property or pursuant to any other convention, treaty, agreement or understanding; (c) in and to any and all applications filed and any and all patents, certificates of inventions or other governmental grants granted on said invention in the United States or any other country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said application; (d) in and to each and every reissue or extension of any of said patents; and (e) in and to each and every patent claim resulting from a reexamination certificate for any and all of said patents.

2. Said Inventors hereby jointly and severally covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right, title and interest herein conveyed in the United States and other countries. Such cooperation by said Inventors shall include prompt production of pertinent facts and documents, giving of testimony, executing of petitions, oaths, specifications, declarations

or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for complying with any duty of disclosure; (c) for prosecuting any of said applications; (d) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (e) for filing and prosecuting applications for reissue of any of said patents; (f) for interference or other priority proceedings involving said invention; and (g) for legal proceedings involving said invention and any applications therefor and any patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, reexamination proceedings, compulsory licensing proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Inventors in providing such cooperation shall be paid for by said Assignee.

3. The terms and covenants of this Assignment shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Inventors, their respective heirs, legal representatives and assigns.

4. Said Inventors hereby jointly and severally warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Inventors have executed and delivered this instrument to said Assignee on the date of acknowledgment before the Notary Public as given below.

(1)

Yuqiao Shen

State of California
County of Contra Costa

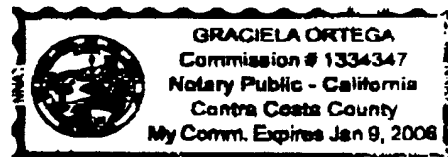
On 1-17-02 before me, Graciela Ortega, personally
(name and title of officer)

appeared Yuqiao Shen, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledge to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

Graciela Ortega

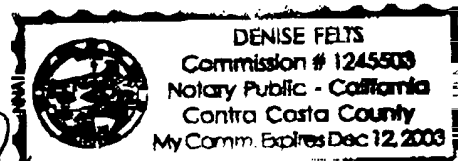


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(2) Julie A. Nye
Julie NyeState of CaliforniaCounty of Alameda) Contra Costa CountyOn 1-23-02 before me, Denise Felts, personally
(name and title of officer)

appeared Julie A. Nye, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledge to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Denise Felts, Notary Public

(3) Terry Hermiston
Terry HermistonState of CaliforniaCounty of Contra CostaOn 12/17/01 before me, Graciela Ortega, personally
(name and title of officer)

appeared Terry Hermiston, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledge to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Graciela Ortega